



# PRESS RELEASE

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## **INDICTMENT ALLEGES IDENTITY THEFT CONSPIRACY**

Paul I. Perez, United States Attorney for the Middle District of Florida, announced today that a federal grand jury sitting in Tampa, Florida has returned a forty-six count indictment, charging the commission of crimes relating to conspiracy, identity theft, credit card fraud, bank fraud, mail fraud, and money laundering.

The following individuals have been charged with Conspiracy to Commit Credit Card Fraud, Bank Fraud, Mail Fraud and Identity Theft: Carl H. Alpert, 45, of Orlando, Florida; Jennifer A. Alpert, 30, of Lake Mary, Florida; Christopher L. Alpert, 20, of Nashville, Tennessee; Leslie B. Barnes, 32, of Orlando, Florida; Lawrence S. Smith, 45, of Orlando, Florida; Michael A. Buky, 24, of Lake Mary, Florida; and Jason W. Residence, 18, of Nashville, Tennessee. In addition, the defendants are charged with substantive violations, as follows:

- A) Carl Alpert, Leslie Barnes, and Michael Buky have been charged with Identity Theft, in violation of Title 18, United States Code, Section 1028(a)(7).
- B) Carl Alpert, Lawrence S. Smith, and Leslie Barnes have been charged with Engaging in Illegal Monetary Transactions, in violation of Title 18, United State Code, Section 1957, and with Money Laundering, in violation of Title 18, United States Code, Section 1956.

- C) Carl Alpert and Leslie Barnes are charged with Bank Fraud, in violation of Title 18, United States Code, Section 1344, and with making False Statements to federally insured financial institutions, in violation of Title 18, United States Code, Section 1014.
- D) Carl Alpert, Jennifer Alpert, Christopher Alpert, Leslie Barnes, and Lawrence S. Smith are also charged with mail fraud, in violation of Title 18, United States Code, Section 1341.
- E) Carl Alpert, Jennifer Alpert, and Lawrence S. Smith are also charged with Possession of Unauthorized Access Devices, in violation of Title 18, United States Code, Section 1029(a)(3).

The indictment alleges that between April 1999 and the date of the Indictment, the defendants, through use of the United States District Court PACER system and other means, acquired biographical and credit information relating to other individuals, and that they focused on individuals who had been convicted of criminal offenses and were incarcerated in prisons. The Indictment further alleges that the defendants identified existing credit card and other bank accounts belonging to those victims and they misappropriated (continued to use) those accounts. According to the Indictment, they also fraudulently established new accounts in the victims' names. The Indictment further alleges that they obtained money and other property by fraudulently negotiating credit card convenience checks, obtaining cash advances against credit and line of credit accounts, and by engaging in genuine and fraudulent point of sale transactions. According to the Indictment, the fraudulent activity involved in this conspiracy victimized at least thirty-four individuals, over twenty financial institutions, and generated losses in excess of \$1,700,000.

The statutory maximum penalties the defendants face if convicted are as follows:

- 1) conspiracy to commit credit card fraud, bank fraud, and mail fraud - - five (5) years of imprisonment, \$250,000 fine, and three (3) years supervised release;
- 2) conspiracy to commit identity theft, and the substantive identity theft charges - - fifteen (15) years of imprisonment, \$250,000 fine, and three (3) years supervised release;

- 3) unlawful monetary transactions -- ten (10) years of imprisonment, \$250,000 fine, and three (3) years supervised release;
- 4) laundering of monetary instruments - - twenty (20) years of imprisonment, \$500,000 fine, and three (3) years supervised release;
- 5) bank fraud - - thirty (30) years of imprisonment, \$1 million fine, and five (5) years supervised release;
- 6) false statements to federally insured bank - - thirty (30) years of imprisonment, \$1 million fine, and five (5) years supervised release;
- 7) mail fraud - - thirty (30) years of imprisonment, \$1 million fine, and five (5) years supervised release;
- 8) possession of unauthorized access devices - - ten (10) years of imprisonment, \$250,000 fine, and three (3) years supervised release

This case is being investigated by the United States Secret Service, Orlando, Florida Field Office, and will be prosecuted by Assistant United States Attorneys Kendell W. Wherry and Robert T. Monk.

Paul I. Perez stated: "The United States Attorney's Office will continue to focus significant efforts toward the prosecution of crimes involving identity theft that operate to defraud individuals and financial institutions."

An indictment is merely a formal charge that a defendant has committed a violation of federal criminal laws. Every defendant is presumed innocent until, and unless, proven guilty.

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